

1979 S.C. Op. Atty. Gen. 30 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-19, 1979 WL 29025

Office of the Attorney General

State of South Carolina

Opinion No. 79-19

February 1, 1979

**\*1 SUBJECT: Education, General**

R. D. Anderson Area Vocational Center should be governed by a vocational school board created pursuant to [Section 59-53-1900, Code of Laws of South Carolina](#), 1976.

TO: Ben C. Harrison  
Attorney at Law

QUESTION:

(1) Is the R. D. Anderson Area Vocational Center to operate pursuant to Section 59-53-1880, Section 59-53-1890, or [Section 59-53-1900, Code of Laws of South Carolina](#), 1976, or a combination of said statutes?

(2) If the vocational center is governed by [Section 59-53-1900](#), how are members of the vocational school board to be selected?

STATUTES AND CASES:

[§§ 59-53-1880, 59-53-1890, 59-53-1900, 59-19-10, Code of Laws of South Carolina](#), 1976; Act No. 1591, Acts and Joint Resolutions of South Carolina, 1972; § 51.02, Sutherland Statutory Construction, Vol. 2A, 'Statutes on the same subject construed together.'

DISCUSSION:

[Sections 59-53-1880 and 59-53-1890, Code of Laws of South Carolina](#), 1976, provide for the affiliation of school districts for the purpose of promoting vocational education and provide for affiliational agreements. These statutes, enacted by the South Carolina General Assembly in 1966, do not specifically provide for the governance of a vocational school created by affiliation of school districts. [Section 59-53-1900, Code of Laws of South Carolina](#), 1976, enacted by Act of the General Assembly in 1975, provides in detail for the creation of vocational school boards, and provides a detailed scheme for the selection of board members. In 1967 school districts 4, 5 and 6 of Spartanburg County affiliated to plan a vocational school, resulting in the establishment of the R. D. Anderson Area Vocational Center.

[Sections 59-53-1880, 59-53-1890 and 59-53-1900](#) each address specific elements in the statutorily mandated process of creating a vocational school; moreover, collectively, the aforementioned statutes provide a comprehensive scheme for the establishment of such schools. No conflict appears between the three individual statutes; therefore, the general legislative intention must have been that the three statutes be construed together to determine the mode of operation and governance of area vocational schools. § 51.02, Sutherland Statutory Construction, vol. 2A, 'Same Subject Construed Together,' states:

In terms of legislative intent, it is assumed that whenever the legislature enacts a provision it has in mind previous statutes relating to the same subject matter, wherefore it is held that in the absence of any express repeal or amendment therein, the new provision was enacted in accord with the legislative policy embodied in those prior statutes, and they should all be construed together.

The R. D. Anderson Vocational Center operates pursuant to all three aforementioned statutes. Members of the vocational school board, however, are to be selected under [Section 59–53–1900](#), in that that statute provides for the manner selection of board members without contradiction by the two statutes which precede it.

\*2 [Section 59–53–1900](#) states in pertinent that:

Each board shall consist of six members, to be apportioned among the districts joining in the creation of the board as the districts may agree upon. Members shall be selected by the school boards of trustees from the members of their respective county school boards of trustees.

The question thus arises as to what body is responsible for the selection of vocational school board members. The above quoted statute uses the terms ‘school boards of trustees’ and ‘county school boards.’ The statute makes clear that the members of the vocational school board shall be apportioned among the participating school districts. The problem arises in discerning legislative intent with the regard to the terms ‘school board of trustees’ and ‘county school boards of trustees’ as written in the above quotation. In the general statutory scheme of Title 59 of the 1976 Code of Laws, counties with multiple school districts will have both a county board of education and a board of trustees for each school district. The code consistently uses the term school trustees with regard to local district boards of trustees and the term board of education in referring to the county wide body. It is noted that in Section 59–15–50 the General Assembly provided for an oath of office for each member of a ‘county board of education or board of trustees.’ The only reasonable interpretation of the term ‘board of trustees’ in that statute is by reference to Section 59–19–100, which states, ‘where the county educational system operates as a unit, the county board of education or the educational governing body of the county shall have all the powers and duties of school trustees. Thus, a county board of education is also designated as school trustees in counties containing but a single school district. Obviously, such is not the case in Spartanburg County. In that the vocational school is created by affiliation of local school districts, it is reasonable that members of the vocational school board would be selected by the local ‘school boards of trustees.’ The confusion arises by the General Assembly’s inclusion of the term ‘county’ before the term ‘school boards of trustees’ in designating the class from which vocational school board members can be selected. Apparently, in that [Section 59–53–1900](#) expressly allows the joining of school districts for form vocational schools without regard to county lines, the modifying term ‘county’ merely indicates that local school boards of trustees should select members of the vocational school board from districts within their respective counties. To construe the statute otherwise would create a situation in Spartanburg County in which members of the local school boards of trustees could select a vocational school board member from a school district board of trustees which is not affiliated with the vocational school.

[Sections 59–53–1880](#), [59–53–1890](#), and [59–53–1900](#) are written as pieces of general legislation in conjunction with —[Section 59–19–10, Code of Laws of South Carolina](#) 1976, which provides that school districts shall be under the management of boards of trustees subject to the supervision and orders of the county board of education. While Spartanburg County has special legislation governing the organization of its school districts, district trustees, and county board of education, the specific language of [§ 59–53–1900](#) controls the selection of vocational school boards.

#### CONCLUSION:

\*3 While considering Spartanburg County’s particular school district structure and the general legislation of the State of South Carolina in this area, [Sections 59–53–1880](#), [59–53–1890](#) and [59–53–1900](#), determine the operational procedures of R. D. Anderson Area Vocational Center, and its vocational school board is to be selected by members of the local district boards of trustees from members of the local district boards of trustees within their respective counties.

Paul S. League

Assistant Attorney General

1979 S.C. Op. Atty. Gen. 30 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-19, 1979 WL 29025

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.